

Cable Communications Agency

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CITY OF INDIANAPOLIS

WCTY Government Channel 16

MEMORANDUM

RECEIVED

MAR 29 1996

TO : Donna Ward/FCC/Policies & Procedures

FROM : Rick Maultra/Telecommunications Coordinator

DATE : 3/29

SUBJECT: Comments RE: ~~PT~~9617/Notice of Inquiry on Improving Commission PoliciesFEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Thank you for the opportunity in addressing with me the concerns that the cable subscribers of Indianapolis and franchising authorities have regarding the FCC. I will bullet point for you those areas of concern that we discussed on the phone. Please consider these as an official comment submission to PT9617 and forward it on to the appropriate parties, including the Secretary of the Commission and the Commissioners, themselves.

-Distribution of Proposed Rulemaking/Often times a city the size of Indianapolis does not even know when the FCC is seeking public comment to various Proposed Rule Makings. I can't imagine what smaller, rural communities do who have a single person whose job is not just dedicated to that of telecommunications, but wears many hats and can't keep up with the Rulemakings and have the resources available to him to respond. Here are some of the problems as I perceive them.

1. Money. Our city attorneys will often times suggest to our Cable Franchise Board that it may cost \$3,000-\$5,000 to join other cities whom have hired a law firm to file comments on their behalf. I'm not sure what the advantage to this is, other than the law firm may be more adept and qualified to address the issues and sift through the huge paperwork and legalese to return comments to you that make sense. These may be streamlined through or alleviated to some degree with the following:

2. Don't make your Proposed Rulemakings so intimidating, legal, technical and hard to read. Provide an Executive Summary up front. Give it to me in layman's terms that I can understand. Tell me what the major points are that you are seeking comment to. Perhaps you might even prioritize the major points that need addressing.

Cable Communications Agency**CITY OF INDIANAPOLIS****WCTY Government Channel 16****MEMORANDUM**

3. **Allow more time for the comment period.** Often times I find out about these Rulemakings and when the comments are due in less than 20 days from the deadline. You don't realize how top heavy favored you are towards the industry and against municipalities. The industry has full time people that are employed to purely prepare comments on Proposed FCC Rulemaking. Cities don't have that. Smaller cities have people that have franchising duties as a small part of their job. There are cost factors to consider in hiring a law firm to prepare comments and finally, in almost every case, a cable franchise board of some sort needs to convene to approve the comments to be filed and any costs attached to it. Most boards meet every month at the earliest. Be sensitive to cities. We are not barriers to competition as Mr. Hundt or Ms. Jones would have you believe, but rather we are public servants who are looking to protect consumers and are drooling at the prospect of competition.

-Streamline your 329 Forms to make them user friendly. I have enough to do without having to talk to an irate customer over rates and then tell them that I have to send them a 329 Form so they can fill it out (a near impossibility in its own right), then put a stamp on it and hope that the FCC will dignify it with a response. These people are hopping mad because they have received (religiously, I might add), increases in their bill four times a year for the past several years. Ideally, a Franchising Authority should be able to simply have them answer a few questions over the phone. A 329 should not read like a 1040 tax form with supplemental schedules. You are deterring rate complaints and perhaps that is your mission anyway given the onslaught of Social Contracts implemented.

Many people don't feel that a complaint over rates should cover a 45 day time period, because the rates over a 45 day period do not go up that much in most cases. What peeves them is how much rates go up over a period of time. The 45 day requirement should be eliminated. Also, most people can't address your question about when rates went up with a significant time passage rather than a 25 cent jump twenty days prior to. Most of the rate complaints we get are from people that are upset over what has transpired over a period of time. You eliminate many of those wishing to file a complaint, if the specific bill in question took place within a 45 day period.

-Survey the best means of distribution to notify Franchising Authorities of pertinent

Cable Communications Agency**CITY OF INDIANAPOLIS****WCTY Government Channel 16****MEMORANDUM**

Upcoming Proposed Rulemaking by the FCC and its comment period deadlines. Make the notification easy to read with an Executive Summary. Who should the comments be filed with? How many copies? What's the distribution breakdown? What's the address? Do different copies go to different addresses? Is this information clearly marked at the end or beginning of the Executive Summary or is it buried at the end in the obits?

Do you have all of the Franchising Authorities Fax numbers to quickly get out a thorough, but brief summary of the Proposed Rulemaking or other important FCC news? Perhaps some of this could be done through E-Mail for the Franchising Authorities that are modern and funded enough to receive the streamlined Proposed Rulemaking via. For rural Franchising Authorities, you may have to send it through the mail, but be considerate of self imposed, unreasonable deadlines given obvious constraints.

-This next item may be addressed in the Proposed Rulemaking regarding OVS, which I submitted comments to and you should have received this morning via FedEx. But, the language in the Proposed Rulemaking stared out to me as so unreasonable and ridiculous that I will plead to your sensibilities in this Policies and Procedures comment period that perhaps you can make efforts to exclude unreasonable language from Rulemakings in the future.

OVS calls for local disputes to be handled by the FCC within 180 days. That's it. Another perfect argument why, for me, personally speaking, we have franchise agreements. Not as a barrier to competition, the industry's spin that has brainwashed many of you, but a franchise allows me and others to mediate these disputes on the local level, where they belong, (I thought we were trying to decentralize government?).

In summary, the FCC needs to become more user friendly to cities and consumer. I don't necessarily want to regulate, but I do want local issues to stay local, IE., Dispute Mediation, PEG Issues, Zoning Matters, Rights of Way Compensation, etc. People are frustrated with the FCC because they are viewed as constructing most everything in legalese that only industry attorneys can understand. Unreasonable deadlines are imposed for comment periods, cities never or seldom receive notification to Rulemaking, and then it's too late.

Cable Communications Agency**CITY OF INDIANAPOLIS**

WCTY Government Channel 16

MEMORANDUM

Procedurally speaking, as that is what this Proposed Rulemaking is addressing, you should never construct a Social Contract of any nature without input from municipalities. In Albuquerque, Merideth Jones said that City input would have been too cumbersome in negotiating a Social Contract, as there are so many cities to contend with. When someone from the NATOA Conference suggested that a single representative for all of the cities could sit in on these negotiations, such as the Executive Director of NATOA, she could clearly see that it made too much sense and that she was cornered. She was at a loss for how to respond, then she thought, and muttered the words that "the FCC was totally within their rights to do what they did according to their by-laws". Pretty lame explanation. Is it any wonder why cities have an attitude about the FCC. Procedurally speaking, this is unethical as it pertains to the Consumer Protection Act.

Procedurally speaking, it seems that the FCC is taking away from what should be decided on the local level and putting it in the hands of the Federal Government or State Government. That has recently become a theme within what the FCC is mandating. Reed Hundt, in a recent speech given to State RUCS, made no mention of local jurisdiction on telecommunication matters nor their input, but rather put most of the focus on the States. Notice a theme here? Procedurally speaking, the FCC is conveniencing themselves by eliminating municipal jurisdictions and paring them down to a more manageable 50 RUCS. It may not be in the best interest of consumers or municipal interests but at least, we are not in your way in the deployment of new technology and serve as a barrier to competition, right?

Don't forget, it was us who started the whole competition thing anyway. Our constituency that we serve passed that message along to us.